

Appl. No.: 10/596,658

Reply to Office action dated May 25, 2010

Amendment Dated: August 18, 2010

Amendments to the Drawings:

Please replace the original drawings sheets 8 and 9 with the replacement drawing sheets 8 and 9. Changes to drawings sheets 8 and 9 are more clearly explained in the attached annotated sheets. Accordingly, the attached drawing sheets replace the original drawing sheets.

Attachment: Replacement Sheets

Attachment: Annotated Sheets

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention. Review of the subject application in view of the present remarks is respectfully requested.

By the present amendment, claims 1-4 have been amended. Claims 5-11 have been added. No new matter is believed entered. As such, it is now respectfully submitted that each of the claims is in condition for allowance.

The drawings were objected to because some of the figures included boxes not properly labeled as to the elements that they represent. As shown in the attached annotated sheets 8 and 9, Figs. 7 and 8 have been amended to address this issue. It is believed that the applicant has addressed the concerns raised in the Office action. Accordingly, applicant respectfully requests withdrawal of the corresponding objections to the drawings.

The abstract of the disclosure was objected to because of the inclusion of legal phraseology "means" and for containing more than 150 words. A replacement abstract is attached hereto on a separate sheet to address these concerns. Accordingly, it is believed that the abstract of the disclosure is in compliance with the Rules, and withdrawal of the objection is therefore respectfully requested. No new matter is entered.

The specification has been amended in paragraph [0012] to clarify language, and now states "the other loop end of the ring-shaped wire 8 opposed to the loop end

connected to the swing pulley 7.” No new matter is entered.

Claims 3 and 4 were objected to for typographical informalities. Specifically, the term “tightening” in claim 3, line 3 has been amended to read “tightens.” As such, applicant respectfully requests withdrawal of the corresponding objection to claims 3 and 4.

Claims 1-4 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the claims were rejected for using means plus function limitations that invoke 35 USC § 112, sixth paragraph, but not including the phrase, “means for” or “step for.” Claims 1-4 have been amended, such that the phrase “means” has been deleted from the claims. As such, the claim limitations are now written with sufficient structure, material, and acts to be performed, thus precluding the application of 35 USC § 112, sixth paragraph. See MPEP § 2181. Withdrawal of the rejection is respectfully requested.

With regard to claim 2, the Examiner alleged that the phrase “formed with” in line 2 is unclear as to whether the term is inclusive or exclusive. Claim 2 has been amended to delete the phrase “formed with” and now states “wherein said first fixing device includes a material...” Furthermore, the Examiner alleges that claim 2 appears to be directed more to a method of making the probe. Claim 1 has been amended to preclude the application of 35 USC § 112, sixth paragraph and is now written as an apparatus claim. Since claim 2 is also written as an apparatus claim, the rejection is respectfully traversed. As such, applicant respectfully requests withdrawal of the corresponding rejection of claims 1-4.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Okawa et al. (U.S. 2002/0062080), hereinafter "Okawa". Claim 1 recites, "a first fixing device to which one of the loop ends of the second power transmission device is fixed and which is removably, fixedly attached to said swing device together with said second power transmission device." Claim 1 further recites "a cable-like second power transmission device." Okawa does not describe such structure. Applicant respectfully traverses this rejection at least for the following reasons.

In distinction, Okawa teaches a driven pulley 5 and drive pulley 9 driven by a drive belt 10. As shown in Figs. 3 and 4b, the drive belt 31 includes holes 31a-31c for receiving projections 5a, 9a that protrude from the driven pulley 5 and drive pulley 9 respectively. As shown in Fig. 3, the projections 5a, 9a appear to be integrally formed with the driven pulley 5 and drive pulley 9. Nothing in Okawa says that the projections 5a, 9a are removable from the pulleys. In addition, Okawa teaches the drive belt 10 pulley system and not a "cable-like second power transmission device" as taught in claim 1. It would be impossible for Okawa to provide a cable-like device, as the drive belt 10 includes first and second holes 10a, 10b for securing the drive belt 10 to the pulleys 5, 9 (shown in Fig. 3). Including holes in the drive belt 10 decreases operating efficiency and is unnecessary with a "cable-like second power transmission device". Consequently, Okawa fails to teach the structure of claim 1.

Claims 2-6 depend from independent claim 1 that is believed to be in condition for allowance as set forth above. Accordingly, Applicant respectfully requests withdrawal of the corresponding rejection of claims 2-6 as depending directly or indirectly from allowable claim 1.

Dependent claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Okawa. Dependent claim 2 states, “first fixing device includes a material capable of being deformed by an external force” and “wherein the first fixing device is applied thereto with a compressing force...” Okawa does not describe such structure.

The Office action alleges that Okawa teaches a fixing means using the tension of the drive belt, made out of an adjustable material that would be deformable by external forces. Applicant respectfully disagrees. In distinction, Okawa teaches a drive belt 31 having holes 31a-31c for receiving projections 5a, 9a protruding from the driven pulley 5 and drive pulley 9 respectively. The drive belt 31 is held to the pulleys 5, 9 by the projections and may further be held by a female screw 9b. The projections and female screw are neither deformable nor compressible. Okawa does not teach a deformable material or compressing force. In fact, the Office action fails to specifically show where Okawa teaches a “first fixing device includes a material capable of being deformed by an external force” and “wherein the first fixing device is applied thereto with a compressing force.” Consequently, Okawa fails to teach the structure of dependent claim 2.

Therefore, at least for these reasons, Okawa fails to include each limitation of dependent claim 2. Applicant respectfully requests withdrawal of the corresponding rejection of dependent claim 2.

Dependent claim 5 recites, “at least one intermediate pulley device adapted to remove slack from the second power transmission device by being movable in a direction towards and away from the drive device.” Furthermore, independent claim 7 has been added. Independent claim 7 states, “wherein the at least one slidable intermediate pulley is slidable in a direction towards and away from the drive pulley.” Okawa fails to

describe the structure of claims 5 or 7.

In distinction, Okawa teaches the transducer 1 having a driven pulley 5 and a drive pulley 9 driven by a drive belt 10. Okawa teaches an imparting means 20 for imparting the drive belt 10 with a tension, caused by the idler roller 21 moving laterally relative to the driven pulley 5 and drive pulley 9. As shown in Fig. 2, the idler roller 21 moves laterally at all times with respect to the pulleys 5, 9 and are not movable or slidable in a direction towards and away from the drive device or drive pulley.

Consequently, Okawa does not teach “at least one intermediate pulley device adapted to remove slack from the second power transmission device by being movable in a direction towards and away from the drive device,” as described in claim 5. Okawa also fails to teach “wherein the at least one slidable intermediate pulley is slidable in a direction towards and away from the drive pulley,” as described in independent claim 7.

Therefore, at least for these reasons, Okawa fails to include each limitation of claim 5. Applicant respectfully requests withdrawal of the corresponding rejection of amended claim 5. Furthermore, Okawa also fails to include each limitation of independent claim 7. As such, independent claim 7 is believed to be in condition for allowance.

Claims 8-11 depend from independent claim 7 that is believed to be in condition for allowance. Accordingly, claims 8-11 are also believed to be in condition for allowance.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is

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invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.: NIHE-40635.

Respectfully submitted,
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